



TO: Clerk's Office
UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

APPLICATION FOR LEAVE
TO FILE DOCUMENT UNDER SEAL

UNITED STATES OF AMERICA

-v.-

DRUPATIE SINGH

23-MJ-355

Docket Number

SUBMITTED BY: Plaintiff _____ Defendant _____ DOJ Name: AUSA John Vagelatos
Firm Name: U.S. Attorney's Office, E.D.N.Y.
Address: 271-A Cadman Plaza East
Brooklyn, New York 11021
Phone Number: (718) 254-6182
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INDICATE UPON THE PUBLIC DOCKET SHEET: YES NO
If yes, state description of document to be entered on docket sheet:

B)
A) If pursuant to a prior Court Order:
Docket Number of Case in Which Entered: _____
Judge/Magistrate Judge: _____
Date Entered: _____

B) If a new application, the statute, regulation, or other legal basis that authorizes filing under seal

Ongoing criminal matter, pre-arrest. Premature disclosure could afford the defendant the opportunity to flee from prosecution.

ORDERED SEALED AND PLACED IN THE CLERK'S OFFICE,
AND MAY NOT BE UNSEALED UNLESS ORDERED BY
THE COURT.

DATED: Brooklyn
Hon. Ramon E. Reyes, Jr. Digitally signed by Hon. Ramon E. Reyes, Jr.
Date: 2023.04.14 16:05:47 -04'00'
HONORABLE RAMON E. REYES, JR.
U.S. MAGISTRATE JUDGE

RECEIVED IN CLERK'S OFFICE April 14, 2023
DATE

MANDATORY CERTIFICATION OF SERVICE:

A.) A copy of this application either has been or will be promptly served upon all parties to this action, B.) Service is excused by 31 U.S.C. 3730(b), or by the following other statute or regulation: _____; or C.) This is a criminal document submitted, and flight, public safety, or security are significant concerns.
(Check one)

4/14/2023
DATE

/s/ John Vagelatos
SIGNATURE

DCP:DGR:JV
F. #2019R0800

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
----- X

UNITED STATES OF AMERICA

- against -

DRUPATIE SINGH,

Defendant.

COMPLAINT AND AFFIDAVIT IN
SUPPORT OF APPLICATION FOR
ARREST WARRANT

(T. 18 U.S.C. §§ 1343, 2 and 3551
et seq.)

23-MJ-355

----- X

EASTERN DISTRICT OF NEW YORK, SS:

JEMAYEL MALL, being duly sworn, deposes and states that he is an Criminal Investigator with the New York State Department of Taxation and Finance (“NYS DTF”), duly appointed according to law and acting as such.

In or about and between 2013 and 2022, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant DRUPATIE SINGH, together with others, did knowingly and intentionally devise a scheme and artifice to defraud and to obtain money and property by means of one or more materially false and fraudulent pretenses, representations and promises, and, for the purpose of executing such scheme and artifice, did transmit and cause to be transmitted, by means of wire communication in interstate and foreign commerce, writings, signs, signals, pictures and sounds, to wit: telephone calls, e-mails and electronic transfers of money.

(Title 18, United States Code, Sections 1343, 2 and 3551 et seq.)

The source of your deponent's information and the grounds for his belief are as follows:¹

1. I am a Criminal Investigator with the NYS DTF and have been involved in the investigation of numerous cases involving tax fraud, wire fraud and money laundering. I am familiar with the facts and circumstances set forth below from my participation in the investigation; my review of the investigative file; and from reports of other law enforcement officers involved in the investigation.

I. The Defendant and Relevant Entities

2. The defendant DRUPATIE SINGH is a resident of Valley Stream, New York. From approximately 2000 through 2019, the defendant SINGH was a bookkeeper for COMPANY-1, an accounting firm which was located in Lynbrook, Hauppauge and Florham Park, whose identity is known to your affiant.

3. VICTIMS 1-7 were clients of COMPANY-1 who did business in New York and whose identities are known to your affiant.

II. State and Federal Tax Administration

4. The NYS DTF is a state agency responsible for collecting tax revenues for New York State and for the administration of New York State's treasury. The NYS DTF administers more than 45 state and local taxes and fees, including more than \$16 billion in local income tax and \$20 billion in local sales tax.²

¹ Because the purpose of this Complaint and Affidavit is to set forth only those facts necessary to establish probable cause to arrest, I have not described all the relevant facts and circumstances of which I am aware.

² In addition to income taxes, the NYS DTF collects state sales tax payments from businesses. Depending on sales volume, businesses are required to remit estimated sales taxes collected to New York State on a monthly, quarterly or annual basis.

5. The Internal Revenue Service (“IRS”) is a bureau of the Department of the United States Treasury and is responsible for administering and enforcing the internal revenue laws, including collecting federal income tax revenues. In fiscal year 2020, the IRS collected almost \$3.5 trillion in revenue and processed more than 240 million tax returns. Id.

6. The NYS DTF and the IRS each maintain records of tax obligations and payments for individuals and businesses (“Tax Accounts”).

7. Both the NYS DTF and the IRS allow taxpayers to maintain online accounts (“Online Services Accounts”), which, from my training and experience, I know allow taxpayers to file tax returns and make electronic payments towards incurred, estimated and anticipated tax obligations. When making payments through Online Service Accounts, users input their bank routing and account numbers (hereinafter, collectively “bank account information”) and specify the amount to be withdrawn from the bank account and credited to their Tax Account. Users must then authorize the payment.

8. To authorize a payment by an electronic funds transfer from a bank account, NYS DTF Online Service Accounts users must submit an online form stating in pertinent part:

eSignature

By selecting **Submit**, I understand and agree I am electronically signing this transaction and certify that the account holder has agreed to payment of the amount(s) indicated by electronic funds withdrawal, that the account holder has authorized the New York State Tax Department and its designated financial agents to initiate an electronic funds withdrawal(s) from the indicated financial institution account, and that the designated financial institution is authorized to debit the entry to the account.

9. To authorize a payment by an electronic funds transfer from a bank account using IRS Online Service Account “IRS Direct Pay,” users must submit an online form stating in pertinent part:

Debit Authorization

By completing the financial institution information within this application and electronically signing it by selecting “Submit,” I authorize the designated Financial Agent of the U.S. Treasury to initiate an ACH debit entry to the financial institution account indicated, for payment of federal taxes owed to the Internal Revenue Service (IRS) for the tax year specified upon request by the taxpayer or his/her representative, using IRS Direct Pay. I further authorize the financial institution named on this page to debit such entries to the financial institution account indicated. All debits initiated by the U.S. Treasury designated Financial Agent pursuant to this authorization shall be made under U.S. Treasury regulations

10. Once the information is entered and the payment is authorized by the user, the NYS DTF and the IRS initiate the transaction with the bank and bank account entered by the user. The electronic funds withdrawals appear on the bank account records as a transfer or payment to the NYS DTF or the IRS.

11. In the event of payment errors, both the NYS DTF and the IRS also allow taxpayers to request interim payments by telephoning customer service representatives. In the event of a mistaken payment, the NYS DTF and the IRS will issue and mail checks for the amount of the mistaken payment and debit the Tax Account.

12. While taxpayer payments towards incurred, estimated and anticipated tax obligations are deposited into general accounts maintained for the benefit of New York State and the United States, the NYS DTF and the IRS Tax Accounts record the payments for the benefit of the taxpayers.

13. When calculating a taxpayer’s tax liability for a given year, the NYS DTF and the IRS reconcile any tax payments that have been credited to a taxpayer’s Tax Account. If

prior tax payments exceed the amount of tax ultimately owed by a taxpayer for a particular year, the taxpayer may be entitled to a refund of any excess amount. Refunds to taxpayers may take several forms, including electronic wire transfers to a taxpayer's bank account or checks mailed to the taxpayer's physical address.

III. The Fraudulent Scheme

14. As set forth in detail below, in or about and between approximately 2013 and 2022, the defendant DRUPATIE SINGH defrauded multiple clients of COMPANY-1, where SINGH was employed as a bookkeeper. As one part of the scheme, SINGH falsely represented to certain clients of COMPANY-1 that they owed certain payments to the NYS DTF and that the clients could avoid penalties by delivering money orders to SINGH who would pass them on to NYS DTF. In actuality, SINGH stole those payments for her benefit. As another part of the scheme, by fraudulently inputting victim bank account information into the NYS DTF and the IRS's Online Services Accounts, SINGH caused funds to be improperly withdrawn from the victims' bank accounts and credited to Tax Accounts belonging to SINGH or INDIVIDUAL-1, a relative of SINGH's whose identity is known to your affiant. Thereafter, SINGH would make false statements to the NYS DTF and the IRS in order to cause those stolen client funds to be disbursed to SINGH.

15. In her capacity as a bookkeeper for COMPANY-1, the defendant DRUPATIE SINGH dealt with the NYS DTF and the IRS on behalf of COMPANY-1's business and individual clients. As part of her work, SINGH worked closely with COMPANY-1's clients. Among other things, SINGH set up clients' Online Service Accounts with the NYS DTF and the IRS; received tax notifications for clients; estimated certain clients' monthly, quarterly or

annual tax obligations; and arranged tax payments on clients' behalf, including arranging for the NYS DTF and the IRS to electronically withdraw payments from the clients' bank accounts.

A. SINGH Fraudulently Induced Victims to Provide Money Orders

16. In or about and between 2013 and 2016, the defendant DRUPATIE SINGH contacted certain COMPANY-1 clients by telephone and email and told the clients that they had underpaid, or failed to timely pay, their tax obligations. Although some clients that SINGH contacted had in fact underpaid or failed to timely pay tax obligations, multiple other clients did not have outstanding tax obligations, but SINGH falsely represented that they did.

17. After contacting the clients to report the tax liability, the defendant DRUPATIE SINGH presented certain clients with a falsified New York State Tax Warrant, which, based on my training and experience, I know to be the equivalent of a civil judgment against a taxpayer for an outstanding tax debt. Tax Warrants are filed with the appropriate New York State county clerk's office and the New York State Department of State, and become public records. A filed Tax Warrant creates a lien against the taxpayer's real and personal property, and may, among other things, allow New York State to seize and sell the taxpayer's real and personal property, or to garnish the taxpayer's wages or other income. Before NYS DTF files a Tax Warrant, it sends the taxpayer a notice and gives them an opportunity to resolve the debt.

18. As part of the scheme, the defendant DRUPATIE SINGH advised the clients that she could arrange for the clients to avoid penalties and interest if they provided her with money orders either made payable to "Cash" or leaving the payee section blank. SINGH falsely told clients that she would use the money orders to pay the tax obligations previously

identified by SINGH. In reality, SINGH misappropriated the money orders for her personal benefit.

19. For example, in or about August 2016, the defendant DRUPATIE SINGH telephoned VICTIM-1 and advised VICTIM-1 that NYS DTF had issued a New York State Tax Warrant to VICTIM-1 for the total amount due of \$4,967.92 as of December 11, 2013. In actuality, the Tax Warrant was falsified – SINGH altered an actual Tax Warrant for \$4,967.92 issued to another business to make it appear as if it was addressed to VICTIM-1. SINGH told VICTIM-1 to provide her with multiple money orders in the amount of \$1,000, with no payee designated, in order to satisfy the Tax Warrant plus additional penalties and interest to date.

20. On or about August 29, 2016, SINGH emailed VICTIM-1 about the fraudulent tax debt, asking VICTIM-1 to “let me know what we are doing with the NYS Warrant ASAP” and stating that “we are running out of time.” SINGH also emailed that the warrant “needs to be taken care of in order for [VICTIM-1] to be in good standing with NYS plus the longer you want [sic] the more interest is adding on.” SINGH communicated the misrepresentations to VICTIM-1 by telephone calls and e-mails sent and received in the Eastern District of New York, some of which were sent across state lines. Ultimately, VICTIM-1 provided money orders totaling approximately \$19,944.76 to SINGH. Singh deposited the money orders into her bank accounts, but never credited the funds to VICTIM-1’s NYS DTF Tax Account.

B. SINGH Fraudulently Credited Client Funds to Her Tax Accounts

21. As set forth above, in her role as a bookkeeper for COMPANY-1, the defendant DRUPATIE SINGH arranged tax payments on COMPANY-1’s clients’ behalf, including electronic fund withdrawals from COMPANY-1’s clients’ bank accounts to the NYS

DTF and the IRS. COMPANY-1's clients had authorized COMPANY-1 to arrange electronic payments to the NYS DTF and the IRS in connection with the clients' actual tax obligations.

22. Beginning in or about 2016, the defendant DRUPATIE SINGH defrauded clients of COMPANY-1 by logging into NYS DTF and IRS Online Services Accounts set up for SINGH and INDIVIDUAL-1, inputting bank account information for COMPANY-1 clients and directing the NYS DTF and the IRS to electronically withdraw payments from the clients' bank accounts and credit the payments to the Tax Accounts of SINGH and INDIVIDUAL-1. When the victims' funds were credited to SINGH's Tax Account, she would convert the funds for her personal benefit by having the money refunded to her by NYS DTF and the IRS. When the victims' funds were credited to INDIVIDUAL-1's Tax Account, the funds were used to satisfy INDIVIDUAL-1's personal tax obligations.

23. On or about March 6, 2017, the defendant DRUPATIE SINGH logged into her IRS Online Services Account, input VICTIM-2's bank account information and caused \$13,018.75 to be electronically withdrawn from VICTIM-2's bank and credited to SINGH's IRS Tax Account for her 2016 tax obligations. On or about April 24, 2017, SINGH called the IRS and falsely claimed, in sum and substance, that she had accidentally overpaid her 2016 tax obligations because she had not realized that the account was already paid in full. SINGH requested that the \$13,072.32 overpayment be refunded to her. On or about June 5, 2017, the United States Treasury issued a refund check for \$13,072.32 to "Drupatie B. Singh" and mailed the check to SINGH's Valley Stream, New York home. On or about June 7, 2017, the refund check was deposited into SINGH's personal bank account. The check bears the signature "Drupatie Singh."

24. On or about February 23, 2018, the defendant DRUPATIE SINGH logged into her IRS Online Services Account, input VICTIM-3's bank account information and caused \$7,860.00 to be electronically withdrawn from VICTIM-3's bank account and credited to SINGH's IRS Tax Account for her 2017 tax obligations.

25. On or about March 2, 2018, the defendant DRUPATIE SINGH logged into her IRS Online Services Account, input VICTIM-4's bank account information and caused \$4,962.83 to be electronically withdrawn from VICTIM-4's bank account and credited to SINGH's IRS Tax Account for her 2017 tax obligations.

26. After completing the fraudulent February and March 2018 IRS withdrawals from VICTIM-3's and VICTIM-4's bank accounts, the defendant DRUPATIE SINGH filed a federal tax return that falsely claimed that the \$12,822.83 total of misappropriated funds were an overpayment by SINGH and sought a refund. As a result of SINGH's fraudulent claim to the funds, and after offsets with SINGH's other withholdings and tax liabilities, on March 26, 2019, the IRS electronically transferred \$14,365.00 to SINGH's personal bank account, including the \$12,822.83 in stolen funds.

27. On or about February 21, 2018, the defendant DRUPATIE SINGH logged into her NYS DTF Online Services Account, input VICTIM-3's bank account information and caused \$3,160 to be electronically withdrawn from VICTIM-3's bank account and credited to SINGH's NYS DTF Tax Account.

28. On or about March 1, 2018, the defendant DRUPATIE SINGH logged into her NYS DTF Online Services Account, input VICTIM-4's bank account information and caused \$1,450 to be electronically withdrawn from VICTIM-4's bank account and credited to SINGH's NYS DTF Tax Account. The same day, SINGH input VICTIM-5's bank account

information and caused \$720 to be electronically withdrawn from VICTIM-5's bank account and credited to SINGH's NYS DTF Tax Account.

29. After completing the fraudulent February and March 2018 NYS DTF withdrawals from VICTIM-3, VICTIM-4, and VICTIM-5's bank accounts, the defendant DRUPATIE SINGH filed a New York State tax return that falsely claimed that the \$5,330 total of misappropriated funds were an overpayment by SINGH and sought a refund. As a result of SINGH's fraudulent claim to the funds, and after offsets with SINGH's other withholdings and tax liabilities, on April 6, 2018, the NYS DTF electronically transferred \$6,054 interstate from a NYS DTF bank account to SINGH's personal bank account, including the \$5,330 in stolen funds.

30. On or about October 15, 2018, the defendant DRUPATIE SINGH logged into her IRS Online Service Account, input VICTIM-6's bank account information and caused \$10,122.00 to be electronically withdrawn from VICTIM-6's bank account and credited to SINGH's IRS Tax Account for her 2017 tax obligations. On or about November 9, 2018, SINGH called the IRS and falsely claimed, in sum and substance, that she had mistakenly overpaid her 2017 tax obligations. SINGH requested that the overpayment be refunded to her. As a result of SINGH's fraudulent claim to the funds, and after offsets with SINGH's other withholdings and tax liabilities, on December 14, 2018, the United States Treasury issued a refund check for \$10,198.54.49, including the \$10,122 in stolen funds, to "Drupatie B. Singh" and mailed the check to SINGH's Valley Stream, New York home. On or about December 18, 2018, the refund check was deposited into SINGH's personal bank account. The check bears the endorsed signature "Drupatie Singh."

31. On or about November 14, 2018, the defendant DRUPATIE SINGH logged into her NYS DTF Online Services Account, input VICTIM-7's bank account information and caused \$5,000 to be electronically withdrawn from VICTIM-7's bank account and credited to SINGH's NYS DTF Tax Account. At the time, VICTIM-7 was on a payment plan whereby VICTIM-7's bank account was supposed to be debited \$5,000 per month towards VICTIM-7's outstanding New York State tax obligations. Accordingly, the debit to VICTIM-7's bank account appeared consistent with an anticipated payment for VICTIM-7's benefit.

32. After the \$5,000 was electronically withdrawn from VICTIM-7's bank account and credited to her NYS DTF Tax Account, the defendant DRUPATIE SINGH telephoned the NYS DTF on December 7, 2018, and again on December 19, 2018, and falsely claimed, in sum and substance, that she had mistakenly made a \$5,000 payment for her 2016 and 2017 personal state tax obligations in error and requested that the funds be returned to her. On December 27, 2018, NYS DTF issued a refund check for \$5,000 to SINGH. On January 2, 2019, the refund check was deposited into SINGH's personal bank account.

33. In or about January 2019, the defendant DRUPATIE SINGH logged into her NYS DTF Online Services Account on two occasions. On the first occasion, she input bank account information for VICTIM-7 and caused an additional \$5,000 to be electronically withdrawn from VICTIM-7's bank account and credited to SINGH's NYS DTF Tax Account. On the second occasion, she input bank account information for VICTIM-2 and caused \$7,860 to be electronically withdrawn from VICTIM-2's bank account and credited to her NYS DTF Tax Account.

34. On or about February 4, 2019, the defendant DRUPATIE SINGH filed a personal income tax return for the financial year ending December 31, 2018, and, in that return,

falsely claimed that the funds stolen in January 2019 from VICTIM-2's and VICTIM-7's bank accounts were part of an overpayment on SINGH's personal tax return. She requested a total refund of \$14,077, including \$12,860 attributable to the stolen funds.

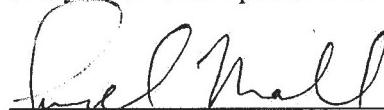
35. On April 19, 2019, the defendant DRUPATIE SINGH telephoned the NYS DTF twice to inquire about her claimed \$14,077 refund. Between April 19, 2019 and November 4, 2019, SINGH contacted NYS DTF multiple times by telephone to request payment on her claimed refund of \$14,077, plus interest. In response to one of those inquiries, on October 17, 2019, NYS DTF told SINGH to expect to receive the payment within 30 days.

36. On November 4, 2019, law enforcement agents made a controlled delivery of a refund check for \$14,077, plus interest, to the defendant DRUPATIE SINGH personally at her home. SINGH personally signed for the delivery. On November 5, 2019, INDIVIDUAL-1 deposited the check, signed by SINGH, into SINGH's personal bank account at an ATM machine within the Eastern District of New York. The deposit of the check caused the interstate transmission of electronic signals between the ATM in New York and SINGH's bank's computer servers in Illinois. Based on my participation in the investigation to date, I am aware that NYS DTF placed a stop payment on the refund check and no monies were paid to SINGH. However, SINGH continued to place telephone calls to NYS DTF seeking to have the funds released through approximately January 24, 2022.

37. The United States Department of Treasury, Inspector General for Tax Administration has identified at least 38 telephone calls made to the IRS concerning SINGH's personal IRS tax account, resulting in at least six refund checks being issued and mailed to SINGH. Upon information and belief, the funds for those six refund checks were stolen from VICTIM-2 and VICTIM-6.

WHEREFORE, your deponent respectfully requests that an arrest warrant be issued for the defendant DRUPATIE SINGH, so that she may be dealt with according to law.

In addition, it is respectfully requested that this affidavit and arrest warrant be filed under seal until further order of the Court. Premature disclosure of this affidavit and arrest warrant could afford the defendant the opportunity to flee from prosecution.



JEMAYEL MALL
Criminal Investigator
New York State Department of Taxation
and Finance

Sworn to before me remotely this
14th day of April, 2023

Hon. Ramon E. Reyes, Jr.  Digitally signed by Hon. Ramon E. Reyes, Jr.
Date: 2023.04.14 16:06:16 -04'00'

THE HONORABLE RAMON E. REYES, JR.
UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF NEW YORK

UNITED STATES DISTRICT COURT
for the
Eastern District of New York

United States of America

v.

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Case No. 23-MJ-355

DRUPATIE SINGH

Defendant

ARREST WARRANT

To: Any authorized law enforcement officer

YOU ARE COMMANDED to arrest and bring before a United States magistrate judge without unnecessary delay
(name of person to be arrested) DRUPATIE SINGH,
 who is accused of an offense or violation based on the following document filed with the court:

- Indictment Superseding Indictment Information Superseding Information Complaint
 Probation Violation Petition Supervised Release Violation Petition Violation Notice Order of the Court

This offense is briefly described as follows:

Violations of Title 18, United States Code, Sections 1343, 2 and 3551 et seq.

Date: 04/14/2023

Hon. Ramon E. Reyes, Jr. Digitally signed by Hon. Ramon E. Reyes, Jr.
Date: 2023.04.14 16:06:38 -04'00'

Issuing officer's signature

City and state: Brooklyn, New York

Honorable Ramon E. Reyes, Jr.

Printed name and title

Return

This warrant was received on *(date)* , and the person was arrested on *(date)*
 at *(city and state)* .

Date:

Arresting officer's signature

Printed name and title